

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 13-207
Table of Allotments,)	RM-11700
FM Broadcast Stations.)	
(Heber Springs, Arkansas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: December 19, 2013

Released: December 20, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making filed by Sydney Allison Sugg (“Petitioner”). Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,² by allotting Channel 270C3 at Heber Springs, Arkansas.

2. **Background.** The *Notice* proposed the allotment of Channel 270C3 at Heber Springs, Arkansas, as the community’s third local transmission service. Heber Springs, the seat of Cleburne County, has a 2010 U.S. Census population of 7,165 persons. Petitioner filed comments reiterating her interest in Channel 270C3 at Heber Springs. Petitioner states that, if allotted, she will participate in an auction for the Heber Springs allotment.

3. **Discussion.** We will allot Channel 270C3 at Heber Springs, Arkansas, as the community’s third local service under Priority (4).³ A staff engineering analysis confirms that Channel 270C3 can be allotted to Heber Springs consistent with the minimum distance separation requirements of the Rules with a site restriction 12.8 kilometers (7.9 miles) northeast of the community. The reference coordinates are 35-34-12 NL and 91-55-41 WL.

4. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

5. **Ordering clauses.** Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED,

¹ *See Heber Springs, Arkansas*, Notice of Proposed Rule Making, 28 FCC Rcd 12628 (MB 2013) (“*Notice*”).

² 47 C.F.R. § 73.202(b).

³ The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982).

That effective, February 3, 2014, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Heber Springs, Arkansas	270C3

6. The window period for filing applications for Channel 270C3 at Heber Springs, Arkansas will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau